

STATEMENT FROM BARNABAS FUND**September 2019****RELIGIOUS FREEDOM IN CENTRAL ASIA**

Barnabas Fund remains concerned about restrictions on religious freedom in parts of Central Asia.

Under international norms of human rights, the state does **not** have the right to require registration in order to practise or share one's religion, although registration of religious and social groups is voluntary in many countries in order to obtain legal identity for property ownership, commercial contracts, tax exemption or other state benefits.

Under Article 18, section 3, of the International Covenant of Civil and Political Rights (ICCPR) *Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary*. Church registration is clearly not a 'necessary' limitation to protect valid state interests, public safety, health, morals etc, as any goals can be obtained more effectively by other less onerous measures which would not so seriously impact religious freedom.

Barnabas Fund requests:

- **that Azerbaijan, Kazakhstan, Kyrgyzstan and Turkmenistan review and improve their performance in the area of religious freedom to follow their constitutional provisions, and their obligations under the ICCPR**
- **That these countries move towards removing the legal requirement for churches and other religious groups to be registered in order to enjoy Article 18 rights**
- **In the meanwhile that they cease to use administrative law (registration) in order to limit less favoured religions or religious groups, recognising that public safety, health, legitimate state security interests are already well covered by other laws.**

Azerbaijan ratified the International Covenant on Civil and Political Rights (ICCPR) without reservation on 13 August 1992. Azerbaijan is a member of the OSCE.

While the Azeri Constitution declares freedom of religion and prohibits discrimination on the basis of religion, the law and practice in the country contradicts this by restricting freedom of religion and belief. Islam and

Orthodox Christianity receive preferential treatment, while other religions and other forms of Christianity are discriminated against.

The 2009 Freedom of Religion Act requires religious groups to register with the government and criminalizes unregistered religious activity. Registration of churches is made difficult by the authorities. Police forces continue in 2019 to harass, raid, detain and fine religious communities that do not conform.

The state Censorship law, Article 22, requires all religious literature to be controlled by the state.

Kazakhstan ratified the International Covenant on Civil and Political Rights (ICCPR) without reservation on 24 January 2006. Kazakhstan is a member of the OSCE.

While human rights and freedom of religion are theoretically protected by the Constitution these protections are sometimes ignored in fact. The judiciary is not independent, but is controlled by the government, which, whilst maintaining a facade of democracy become increasingly autocratic in recent years.

In 2005 new laws banned all activities by unregistered religious groups and allowed the government to ban any groups it deemed 'extremist'.

In April 2008 Kazakhstan's Lower Chamber of Parliament initiated further restrictive legislation which eventually came into force in 2011. Among other things the law laid down strict rules for how many members a religious organisation must have to gain registration; at least 50 members locally, 500 regionally and 5,000 nationally, so small churches are unable to obtain state approval especially as a group is required to have a permanent building in order to qualify.

In April 2018 a number of registered churches in the west of the country were required by the authorities to provide personal data on all people under the age of 18 who attended church meetings. A government official admitted that this demand for data was only sent to Christians.

Kyrgyzstan ratified the ICCPR without reservation on 7 October 1994. Kyrgyzstan is member of the OSCE. Yet Kyrgyzstan likewise enforces registration of religious groups if they want to legally practise their religion.

A State Commission on Religious Affairs (SCRA) was established in 1996. According to a Presidential Decree issued in 1997, all religious organisations must be registered by the SCRA.

In 2009, the new law on religion introduced tighter controls on the registration of religious groups, demanding 200 signatures from members in order for a church or other group to be granted registration.

The law also prohibits proselytising or other illegal missionary work, but does not define what is meant by “illegal missionary work”. Sharing your faith with others is a fundamental human right.

The State Commission on Religious Affairs has more recently shown some openness to Christian concerns on issues of freedom, and this is welcomed. However this does not balance the further restrictive amendments introduced in 2018 providing mechanisms to punish pastors who are connected with unregistered meetings.

In July 2019 further regulations were proposed banning proselytising and tightened rules on church unions or associations.

Turkmenistan is a signatory of the ICCPR, ratifying it into law without reservation on 1 May 1997. It is also a member of the OSCE.

Yet all areas of religious life are regulated by the government’s Gengeshi (Council) for Religious Affairs, and its overt aim is to restrict all religious activity apart from the state-sanctioned form of Islam and some activities by Russian Orthodox Christians.

While the Turkmen constitution guarantees the separation of religious and state institutions, the revised Religion Law of April 2016 continued the requirement for official church registration, but made it more difficult, with 50 founding members needed to register a church whereas previously only five were required.

This expanded the November 2004 law, Article 11 of which states that the activity of unregistered religious organizations is banned.